

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

EMILY LEWIS

* Case No. 3:24-CV-64

Plaintiff,

* District Judge Michael J. Newman

vs

* Magistrate Judge Peter B. Silvain, Jr.

WILBERFORCE UNIVERSITY

* **JOINT MOTION TO VACATE**
PRELIMINARY PRETRIAL
CONFERENCE ORDER

Defendant.

The Parties in the above matter, through counsel pursuant to Local Rule 7.3, hereby jointly move to vacate the Preliminary Pretrial Conference Order dated July 8, 2024 and to reschedule the dates therein for the reasons set forth in the accompanying memorandum, and to issue an Order containing new pretrial deadlines and a trial date. As demonstrated in the Memorandum below, good cause supports this Motion. A proposed Order is attached for the Court's convenience.

Respectfully submitted,

/s/ Matthew D. Stokely (per email authorization)
Matthew D. Stokely (0062611)
PICKREL, SCHAEFFER & EBELING
40 N. Main Street, Suite 2700
Dayton, OH 45423
P: (937) 223-1130
F: (937) 223-0339
mstokely@pselaw.com

Attorney for Defendant

/s/ Bradley L. Gibson
Bradley L. Gibson (0085196)
GIBSON LAW, LLC
9200 Montgomery Road, Suite 11A
Cincinnati, OH 45242
brad@gibsonemploymentlaw.com
513.834.8254 [T]
513.834.8253 [F]

Counsel for Plaintiff

MEMORANDUM IN SUPPORT

Plaintiff Emily Lewis (“Plaintiff”) and Defendant Wilberforce University (“Defendant”) (collectively, “Parties”) have complied with the pretrial deadlines thus far and continue to work on discovery. The Court issued a Preliminary Pretrial Conference Order on July 8, 2024, providing the pretrial deadlines.

The Parties respectfully request the Court vacate the current Preliminary Pretrial Conference Order and issue an Amended Preliminary Pretrial Conference Order with new pretrial deadlines to allow Plaintiff to include additional claims against Defendant in this case. Plaintiff has filed claims under the Family and Medical Leave Act (“FMLA) against Defendant in her Complaint. (ECF Doc. #1). Approximately four months prior to Plaintiff filing her Complaint, she dually filed claims of unlawful discrimination and retaliation with the Equal Employment Opportunity Commission (“EEOC”) and the Ohio Civil Rights Commission (“OCRC”) against Defendant. Plaintiff filed her claims with the EEOC and OCRC because she was legally required.

More recently, the OCRC issued a determination based on Plaintiff’s claims against Defendant. Specifically, the OCRC issued a no probable cause finding regarding Plaintiff’s claims of disability discrimination and sex discrimination, and the OCRC found probable cause regarding her retaliation claim. The EEOC has not issued any determinations regarding Plaintiff’s claims.

Plaintiff wants to add disability discrimination and sex discrimination claims against Defendant in this case. As such, Plaintiff has requested a Right to Sue Letter from the EEOC so she can add her both her federal claims and Ohio law claims simultaneously. Plaintiff anticipates the EEOC issuing her the Right to Sue Letter in the very near future.

Plaintiff bringing her discrimination claims in this case will provide more efficiencies for the Parties. To allow Plaintiff to bring those additional claims, the Parties request the Court vacate

the Preliminary Pretrial Conference Order so new deadlines can be set in order for Plaintiff to amend her Complaint to include those claims and the Parties can complete discovery on those claims. Specifically, the Parties respectfully request the Court to issue an Amended Preliminary Pretrial Conference Order that provides for the following new deadlines:

1. Motions to amend the pleadings or to add parties:	May 17, 2025
2. Motions directed to the pleadings:	June 1, 2025
3. Lay witness disclosures:	June 17, 2025
4. Primary expert designations:	June 24, 2025
5. Rebuttal expert designations:	July 7, 2025
6. Discovery cut-off:	September 17, 2025
7. Dispositive motions (i.e., summary judgment motions).	October 17, 2025

A proposed Order is being provided for the Court's consideration.

Respectfully submitted,

/s/ Matthew D. Stokely (per email authorization)
 Matthew D. Stokely (0062611)
PICKREL, SCHAEFFER & EBELING
 40 N. Main Street, Suite 2700
 Dayton, OH 45423
 P: (937) 223-1130
 F: (937) 223-0339
mstokely@pselaw.com

Attorney for Defendant

/s/ Bradley L. Gibson
 Bradley L. Gibson (0085196)
GIBSON LAW, LLC
 9200 Montgomery Road, Suite 11A
 Cincinnati, OH 45242
brad@gibsonemploymentlaw.com
 513.834.8254 [T]
 513.834.8253 [F]

Counsel for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served upon the following via e-mail on this 14th day of March, 2025 and/or via the Court's electronic filing system.

Matthew D. Stokely
mstokely@pselaw.com

/s/ Bradley L. Gibson
Bradley L. Gibson

Counsel for Defendant